

AMENDMENTS TO THE DRAWINGS

Please amend the figures as shown in the enclosed replacement sheets.

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application, for indicating that claims 3, 4, 10-15, and 18 are allowed, and for indicating that claims 1 and 19 would be allowable over the prior art with the addition of limitations reciting that a donated item's valuation is calculated based on the received sales data.

Disposition of Claims

Claims 1, 3, 4, 6-15, 18-20, and 20-24 are pending in this application. Claims 1, 3, 10, and 19 are independent. The remaining claims depend, directly or indirectly, from claims 1, 2, 10, and 19.

Claim Amendments

Independent claim 19 is amended herein to correct typographical errors. No new matter is added by way of these amendments.

Drawings

Applicants herewith submit formal drawings by way of the enclosed replacement sheets. No new matter has been added by way of these formal drawings. Applicants request that the Examiner indicate in the next Office Action, whether the formal drawings filed herewith are accepted.

Rejections under 35 U.S.C. §103

Claims 1, 6-9, 19, 20, and 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. Pub. No. 2002/0120539 (hereinafter "Price"), in view of U.S. Pat. Pub. No. 2002/0116290 (hereinafter "Hodges"), in further view of TurboTax. The rejection is respectfully traversed.

As an initial matter, Applicants assert that the finality of the Office Action dated October 31, 2007 is improper. The amendments made in the Reply to the Office Action dated March 28, 2007, filed on June 22, 2007, did not necessitate a new search because the amendments were limited to incorporating allowable subject matter, as indicated by the Examiner, and correcting antecedent basis necessitated by the amendments.

Further, Applicants respectfully note that "[t]he goal of examination is to *clearly articulate* any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise *reply completely* at the earliest opportunity." MPEP § 706 (emphasis added). Furthermore, "[a]n omnibus rejection of the claim 'on the references and for the reasons of record' is stereotyped and usually not informative and should therefore be avoided. This is especially true where certain claims have been rejected on one ground and other claims on another ground. A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group." MPEP §707.07(d). Applicants respectfully submit that the Examiner has clearly grouped the independent claims and the dependent claims in

improper omnibus rejections, and, thus, the Examiner has not *clearly articulated* the rejections of the claims.

Regarding independent claims 1 and 19, the Examiner has rejected these two claims as if they contain exactly the same limitations despite the fact the claims clearly include many distinct limitations. *See* Office Action dated October 31, 2007 at pages 2 and 3. Accordingly, the Examiner has grouped these claims in a common rejection even though portions of the rejection are not equally applicable to both claims and has not provided a specific basis for the rejection of each element of the individual claims. Further, it appears that the Examiner treated distinct steps in each of the two claims as being identical if they contained a few words in common while ignoring other words in these steps. As a result, the Examiner has failed to clearly indicate where many specific limitations included in these steps are taught. Furthermore, the Examiner has failed completely to show where “prompting said user to input any other non-cash item donations that have been charitably donated in addition to the selected items” is disclosed or suggested. In addition, the Examiner states that TurboTax discloses “storing said selected non-cash donatable item ...” without providing any indication of where in TurboTax these limitations are found. Office Action dated October 31, 2007 at page 3. Clearly, Applicants cannot reply completely to the rejections of claims 1 and 19 without knowing the specific basis for rejecting each claim limitation.

Regarding dependent claims 6-9, 20, and 22-24, the Examiner has rejected all of these claims as if they contain exactly the same limitations despite the fact the claims clearly include many distinct limitations. *See* Office Action dated October 31, 2007 at pages 3 and 4. Accordingly, the Examiner has grouped these claims in a common rejection even though portions of the rejection are not equally applicable to all claims and has not provided any specific basis for the rejection of each of the individual claims. Again, Applicant cannot reply completely to the rejections without knowing the specific basis for the rejections.

In view of the above, Applicants respectfully request that the finality of the Office Action be withdrawn. Furthermore, Applicants respectfully submit that the Office Action is incomplete and does not provide sufficient grounds of rejection to enable Applicant to reply completely. Accordingly, Applicant respectfully requests that the Examiner issue a new *non-final* Office Action indicating the specific grounds of rejection for each independent and dependent claim. Nonetheless, in the interest of advancing prosecution of the Application, Applicants are arguing for allowance of the claims as follows.

Applicants note that “the examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness... [t]he initial evaluation of prima facie obviousness thus relieves both the Examiner and Applicants from evaluating evidence beyond the prior art and the evidence in the specification as filed until the prior art has been shown to suggest the claimed invention.” MPEP § 2142.

Applicants respectfully assert that the Examiner has not met the initial burden of factually supporting a *prima facie* conclusion of obviousness for either independent claim 1 or independent claim 19.

With regard to claim 1, the Examiner asserts that the claim limitation beginning with “storing in memory data indicative of one or more non-cash donatable items” is disclosed by Price in paragraph [0020], which as best Applicants can determine is intended to support the rejection of the limitation “storing in memory data indicative of one or more non-cash donatable items and a tax-deductible valuation associated with each said non-cash donatable item for a current tax year and at least one previous tax year.” Office Action mailed October 31, 2007 at page 2. The relied-upon portion of Price merely discloses that an object of the invention of Price is “to provide automated means for tracking charitable donations distributed at the point of sale and means for generating reports associated with charitable donations sufficient to satisfy I.R.S. reporting requirements.” Price at paragraph [0020]. This portion of Price says absolutely nothing about storing a tax-deductible valuation for a charitable donation *for a current tax year and at least one previous year* in association with a non-cash donatable item as is required by the cited claim limitation.

Further, the Examiner asserts that “prompting a user to select one or more of said non-cash donatable items that has been charitably donated in one of said tax years and to indicate the tax year in which the selected non-cash donatable item was donated” is disclosed by Price in paragraphs [0035] – [0036]. This portion of Price generically and

broadly discloses that donors may have access to compiled transaction data of their respective donations through a web site interface. Using this interface, a donor can track donations, manipulate the data, and generate reports. See Price at paragraph [0036]. This portion of Price says absolutely nothing about prompting a user to select one or more non-cash donatable items and to indicate the tax year in which the item was donated.

With regard to claim 19, the Examiner asserts that “receiving related data from one or more partner servers to update local databases” is disclosed in Fig. 3 and paragraph [0039] of Price, which as best Applicants can determine is intended to support the rejection of the limitation “receiving periodically an aggregation of sales data from one or more partner servers, wherein said partner servers have at least one data source where items are sold.” The relied-upon portion of Price merely discloses that a POS System Controller monitors all the transactions that occur on in-store POS (point of sale) Terminals and updates databases local to the POS System Controller. See Price at paragraph [0039]. This portion of Price clearly merely discloses receiving transaction data from terminals, not servers. Further, the Examiner has provided absolutely no basis for rejecting the limitation “prompting said user to input any other non-cash item donations that have been charitably donated in addition to the selected items.”

In view of the above, the Examiner has not met the initial burden of factually supporting a prima facie conclusion of obviousness for either independent claim 1 or independent claim 19. Claims 6-9, 20, and 22-24 depend, either directly or indirectly, from

claims 1 and 19. Therefore, the Examiner has also not met the initial burden for these claims for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 37202/121001; 990081).

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Respectfully submitted,

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Attachment (Twenty-one (21) Drawing Replacement Sheets)